REMARKS

Claims 1-3 and 17-19 are amended. No new matter is added by the amendments. Claims 4 and 20-28 are canceled without prejudice or disclaimer. Claims 5-16 were previously canceled without prejudice or disclaimer. Claims 1-3 and 17-19 are pending. By amending and canceling the claims, applicant is not conceding that the claims are unstatutory under 35 U.S.C. 101, 102, 103, and 112, and is not conceding that the claims are unpatentable over the references cited by the Office Action, as the claim amendments are only for the purpose of facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue the subject matter of the original claims, as it existed prior to any amendment or cancellation and to pursue other claims in one or more continuation and/or divisional applications. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

Rejections under 35 U.S.C. 102

Claims 1-2, 4, 17-18, and 20-28 are rejected under 35 U.S.C. 102(e) over Crawford (US Patent Number 7,080,051 B1). Applicant respectfully submits that the claims are patentable over Crawford because Crawford does not teach or suggest all elements of the claims for the reasons argued below.

In contrast to claim 1, Crawford at Fig. 3 illustrates two physical computers (the customer replica service computer 160 and the customer computer 50) connected via a data link 150. Since the customer replica service computer 160 is a replica of the customer computer 50, they execute the same operating system, so Crawford does not teach or suggest the "logically-partitioned computer system comprises a plurality of logical partitions, wherein each of the plurality of logical partitions executes a different operating system," as recited in claim 1.

ROC920040065US1
10/829,622

5

In further contrast to claim 1, the Crawford customer computer 50 only has one processor flag 802 (Fig. 16B), and all of the "commands inputted at the customer computer keyboard 56 will be executed by the replica computer 160 processor if the 'processor flag' at the customer computer 50 is set to 'replica computer'," as described by Crawford at column 20, lines 61-64. Thus, Crawford does not teach or suggest "some of the plurality of tasks identifiers indicate that their respective tasks are allowed to use the service-enabled resource and other of the plurality of task identifiers indicate that their respective tasks are not allowed to use the service-enabled resource," as recited in claim 1 because all of the Crawford commands use the same "processor flag" while in claim 1 the tasks have their own "respective service-enabled indicators" and "some of the ... tasks identifiers indicate that their respective tasks are allowed to use the service-enabled resource and other of the ...task identifiers indicate that their respective tasks are not allowed to use the service-enabled resource."

In further contrast to claim 1, the Crawford replica computer "when first activated ...loads appropriate communications software" prior to receiving "a customer access request," as described by Crawford at column 59, lines 44-55 and as illustrated by Crawford in Fig. 23 at elements 1300 and 1306. Since the Crawford replica computer is activated and loading software prior to receiving a customer access request, the Crawford replica computer is not "disabled until a fee is paid," as recited in claim 1 because the Crawford replica computer has no opportunity to determine whether the customer has paid a fee for access until Crawford receives the customer access request and the userid and password at block 1310 of Fig. 23.

Claim 17 includes similar elements as argued above for claim 1 and is patentable over Crawford for similar reasons. Claims 2-3 and 18-19 are dependent on claims 1 and 17, respectively, and are patentable over Crawford for the reasons argued above, plus the elements in the claims. Claims 4 and 20-28 are canceled without prejudice or disclaimer, so the rejections are moot.

ROC920040065US1
10/829,622

6

Rejections under 35 U.S.C. 103

Claims 3 and 19 are rejected under 35 U.S.C. 103(a) over Crawford in view of Davidson "Dynamic Resource Brokering for Multi-User Query Execution." Claims 3 and 19 are dependent on claims 1 and 17, respectively, and are patentable over Crawford for the reasons argued above.

Claim 1, on which claim 3 recites: "the service-enabled resource comprises a processor in the multi-processor logically-partitioned computer system, wherein the allocating further comprises dispatching the first task to the processor and adding the processor to a shared pool associated with a first logical partition to which the first task belongs" and "a plurality of tasks execute in the multi-processor logically-partitioned computer system, wherein the first task is one of the plurality of tasks, wherein the multi-processor logically-partitioned computer system comprises a plurality of logical partitions, and wherein each of the plurality of logical partitions executes a different operating system."

The Office Action argues that Davidson describes adding the processor to a shared pool associated with a partition to which the task belongs. Applicant respectfully disagrees because Davidson at page 282 describes "large, distributed systems" and the utilization of "idle CPU time in distributed network of heterogeneous workstations." Thus, Davidson describes multiple distributed physical workstations, each having a CPU, and does not teach or suggest a logically-partitioned computer system, does not teach or suggest that "each of the plurality of logical partitions executes a different operating system," and does not teach or suggest "adding the processor to a shared pool associated with a first logical partition" because Davidson does not teach or suggest logical partitions. Instead, Davidson describes multiple distributed physical workstations, each with its own CPU.

Thus, claim 3, which depends on claim 1, is patentable over Crawford and Davidson.

ROC920040065US1
10/829,622   7

Claim 17 includes similar elements as argued above for claim 1, so claim 19, which depends on claim 17, is patentable over Crawford and Davidson for similar reasons.
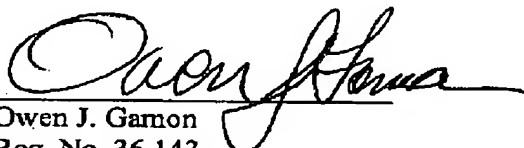
ROC920040065US1
10/829,622

8

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (651-645-7135) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.

Respectfully submitted,

Date: July 11, 2008

Owen J. Gamon
Reg. No. 36,143
(651) 645-7135

IBM Corporation
Intellectual Property Law
Dept. 917, Bldg. 006-1
3605 Highway 52 North
Rochester, MN 55901

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being is deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being transmitted via facsimile to the Commissioner for Patents 571-273-8300, on July 11, 2008.

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ROC920040065US1
10/829,622

9